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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/635,889      | 08/06/2003  | Mark Schiebler       | 10122-001           | 1604             |

29391 7590 09/30/2004

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.  
390 NORTH ORANGE AVENUE  
SUITE 2500  
ORLANDO, FL 32801

EXAMINER

SZUMNY, JONATHON A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3632

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/635,889

Applicant(s)

SCHIEBLER, MARK

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-97 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

This is the first office action for application number 10/635,889, Multi-Use Linkage Device, filed on August 6, 2003.

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

|             |                                   |
|-------------|-----------------------------------|
| Species 1:  | The device of figures 1,2A,2B     |
| Species 2:  | The device of figure 3            |
| Species 3:  | The device of figure 4            |
| Species 4:  | The device of figures 5,5A        |
| Species 5:  | The device of figures 6,7         |
| Species 6:  | The device of figure 8            |
| Species 7:  | The device of figure 9            |
| Species 8:  | The device of figures 10,11       |
| Species 9:  | The device of figure 12           |
| Species 10: | The device of figure 13           |
| Species 11: | The device of figure 14           |
| Species 12: | The device of figure 15           |
| Species 13: | The device of figures 16A,16B,16C |
| Species 14: | The device of figure 17           |
| Species 15: | The device of figure 18           |
| Species 16: | The device of figure 19           |

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|             |                               |
|-------------|-------------------------------|
| Species 17: | The device of figure 20       |
| Species 18: | The device of figure 21       |
| Species 19: | The device of figure 22       |
| Species 20: | The device of figure 23       |
| Species 21: | The device of figure 24       |
| Species 22: | The device of figure 25       |
| Species 23: | The device of figure 26       |
| Species 24: | The device of figure 27       |
| Species 25: | The device of figures 28,29   |
| Species 26: | The device of figure 30       |
| Species 27: | The device of figure 31       |
| Species 28: | The device of figure 32       |
| Species 29: | The device of figure 33       |
| Species 30: | The device of figure 34       |
| Species 31: | The device of figure 35       |
| Species 32: | The device of figures 36A,36B |
| Species 33: | The device of figure 37       |
| Species 34: | The device of figure 38       |
| Species 35: | The device of figure 39       |
| Species 36: | The device of figure 40       |
| Species 37: | The device of figure 41       |

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|             |                         |
|-------------|-------------------------|
| Species 38: | The device of figure 42 |
| Species 39: | The device of figure 43 |
| Species 40: | The device of figure 44 |
| Species 41: | The device of figure 45 |
| Species 42: | The device of figure 46 |
| Species 43: | The device of figure 47 |
| Species 44: | The device of figure 48 |

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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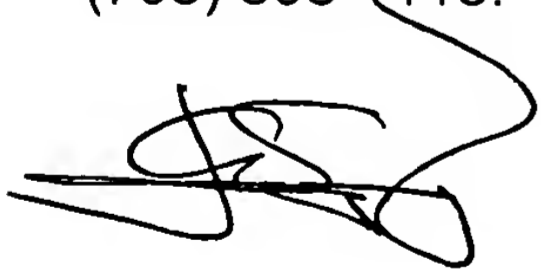
Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to be 'JS', with a long, sweeping horizontal line extending to the right.

Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
September 28, 2004